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**Attorneys for Defendant Reaz Qadir Khan**

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF OREGON**

**Portland Division**

**UNITED STATES OF AMERICA,**

**No. 3:12-CR-659-MO**

Plaintiff,

**v.**

**DEFENDANT'S MOTION  
FOR BURNED HARD DRIVE**

**REAZ QADIR KHAN,**

**HEARING REQUESTED  
JUNE 10, 2014**

Defendant.

The defendant, Reaz Qadir Khan, through counsel, files this motion to order the government to supply a burned hard drive to defendant's expert to attempt to retrieve contents.

The government executed a search warrant at an apartment in which defendant resided. In the back yard in a bar-b-que was a hard drive for a computer which had been burned. The government seized the hard drive during the execution of a search warrant at the apartment. The government's alleged theory is the hard drive belonged to Mr. Khan and he was destroying to prevent the recovery of evidence which may have been on it.

The government has, apparently, recovered nothing from the hard drive.<sup>1</sup> The defense has engaged DriveSavers Data Recovery, Inc., 400 Bel Marin Keys Blvd., Novato, CA 94949 to perform an analysis to determine if it can retrieve any content from the burned hard drive.

The government refuses to ship the hard drive to DriveSavers. It has stated: "Again, can I suggest a reasonable first step whereby your expert speaks to our expert about the item and what might be done to it and to see how testing would occur. We would also be happy to let the Court know that additional CJA funding for expert travel in this specific instance seems reasonable." Exhibit 2.

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<sup>1</sup> The government's Report of Analysis is attached as Exhibit 1.

Firstly, since the government has failed to recover anything, shipping it causes no “loss” since there is nothing to lose.<sup>2</sup> Additional funding is a waste of resources.

Secondly, under no circumstances is the defense expert required to meet with the government expert to explain what it is the defense expert intends to do. It is not the responsibility of the defense to educate the government.

WHEREFORE it is requested the Court order the government to send the burned hard drive to DriveSavers Data Recovery, Inc.

Dated this 3rd day of June, 2014.

Respectfully submitted,

RANSOM BLACKMAN LLP

/s/ John S. Ransom  
JOHN S. RANSOM  
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(503) 228-0487  
Attorneys for Defendant  
Reaz Qadir Khan

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<sup>2</sup> We note the government apparently shipped it back and forth to Quantico, Virginia. See Exhibit 1.

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DEFENDANT’S MOTION FOR BURNED HARD DRIVE on the following attorneys by electronic case filing a full and correct copy thereof on the 3rd day of June, 2014.

Charles F. Gorder, Jr.  
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CERTIFICATE OF SERVICE